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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,658	02/13/2002	Guy William Gladden	100200673-1	6086

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EXAMINER

GALL, LLOYD A

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/074,658

Applicant(s)

GLADDEN ET AL.

Examiner

Lloyd A. Gall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 25-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Applicant's election without traverse of Group I, claims 1-24 in Paper No. 5 is acknowledged.

Claims 25-29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5.

Claims 17, 19 and 20 are objected to because of the following informalities: In claim 17, line 1, "locking mechanism" should read --lock assembly--. In claim 19, line 2, "handle lever" should read --lever arm--. In claim 20, lines 5-6, "lever arm" should read --handle lever--. Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7, 8, 12, 14-17, 20 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Chao (649).

Chao teaches an enclosure securing apparatus including a handle housing 4, 5, in a cover (of luggage), a handle lever 2, with a first end (to the left of its midpoint in fig. 10) and a second end (to the right of its midpoint in fig. 10), a cam surface 26 for engagement with a lock housing (slotted plate 6), a lock assembly 25, 251 including a rotatable shank and keyed tumbler extending within hole 24 of the lever, a detent 222 at the first end for holding the lever at two positions as seen in figs. 9 and 10, and a wing

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element 46 for engagement with the detent 222. Chao also teaches a lever having a first surface 2, first and second edges as seen in fig. 5 with side walls 21, curvilinear surfaces 22 as seen in fig. 7, and protrusions 222. With respect to claims 20 and 24, Chao also teaches a handle snap 222, 46 functioning as holding means.

Claims 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Krenz. Krenz teaches a housing 4, pivotally mounted lever 1 with opposed first and second ends, and a handle snap 12 to engage a hole in the lever 1.

Claims 1-8, 12-18, 20, 21 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Gehrie.

Gehrie teaches a handle housing 13, 23 (figs. 2 and 5) in a cover, a pivotal lever 16, a lock housing 18, 21, a cam surface 37 at a first end of the lever for engagement with a lock housing portion 21, a lock assembly 63, 64, a rotatable shank 64 (claim 3), a shank 63 which is rotatable about pivot 26 and attached to a keyed tumbler 64 (claim 4), a handle snap 44, 46 integrated with the housing, portion 46 of the snap received in a hole of the lever as seen in fig. 4, element 46 also functioning as the detent of claim 7, and a wing element 21. With respect to claim 12, Gehrie also teaches a groove 43 which defines a first surface with edges and side walls of a curvilinear shape and a protrusion 46 adjacent thereto, a wing element 44, the portion labeled 46 in fig. 4 being rounded in shape, a lock assembly 63, 64, and a shank 63 in the outer wall labeled 16 in fig. 1 of the lever. With respect to claim 20, Gehrie also teaches a snap 44, 46, wherein portion 46 is received in a hole of the lever. With respect to claim 24, Gehrie teaches a lock assembly 63, 64 and a holding means 44, 46.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chao in view of Dimig.

Dimig teaches a handle housing and lever formed of plastic (pg. 11, line 17). To form the housing and lever of Chao of plastic, would have been obvious in view of the teaching of Dimig, the motivation being as a cost savings measure.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chao in view of Vickers and Testa et al.

Vickers teaches a metal cylinder 200. Testa teaches a metal lock housing 18. To form the cylinder and lock housing of Chao of metal, would have been obvious in view of the teachings of Vickers and Testa, the motivation being to optimize their strength.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chao in view of Kim et al.

Kim et al teaches in paragraph [0003] luggage used as a computer housing. To utilize the luggage of Chao as a computer housing, would have been obvious in view of the teaching of Kim et al, for convenient storage and transportation of the computer.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chao in view of Pelcin (300).

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Pelcin teaches a lock 52 with a rotatable shank 56 for engaging a hole 58 of a lever. To modify the lock of Chao to include a lock and shank to engage a hole in a side wall of the lever, would have been obvious in view of the teaching of Pelcin, as either location of the lock would function just as well in locking the handle in its flush position.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chao in view of Krenz.

Krenz teaches a handle snap 12 for a lever 1. To modify the apparatus of Chao to include a handle snap, would have been obvious in view of the teaching of Krenz, to require thumb actuation, to prevent inadvertent movement of the lever from its flush position.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 703-308-0828. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

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June 25, 2003

Steph A. Hall
Specialist
Primary Examiner